

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

A.D. ARMSTRONG,

Plaintiff,

v.

TIM BRUNSMAN, et al.,

Defendants.

Case No. 1:12-cv-132

Spiegel, J.
Bowman, M.J.

REPORT AND RECOMMENDATION

Plaintiff A.D. Armstrong, an inmate at Lebanon Correctional Institution (“LeCi”) and proceeding *pro se*, brings this action against multiple prison officials, alleging that they violated his First, Fifth, Eighth, Eleventh, and Fourteenth Amendment rights “[w]hen Defendants had no legitimate governmental interests to destroy Plaintiff’s Holy Koran.” (Doc. 20). Although Plaintiff was initially granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, (Doc. 9), this Court subsequently granted Defendants’ motion to revoke Plaintiff’s *in forma pauperis* status. (Doc. 61). Plaintiff’s status was revoked under the “three strikes” provision of the Prison Litigation Reform Act, in light of uncontroverted evidence that Plaintiff has repeatedly filed lawsuits that have been dismissed as frivolous or for failure to state a claim. See 28 U.S.C. §1915(g).

In the Order adopting the Recommendation of the undersigned magistrate judge, the Court revoked Plaintiff’ *in forma pauperis* status and clearly explained to Plaintiff that he was permitted to proceed with this case only “if he pays \$346.40 within fourteen (14)

days of the filing of this Order.” The Court further explained that Plaintiff’s “[f]ailure to make that payment in that timeframe is likely to result in Plaintiff’s case being dismissed for failure to prosecute.” (Doc. 61 at 3).

Plaintiff has failed to make any payment, and the time for doing so has now expired. Accordingly **IT IS RECOMMENDED THAT** Plaintiff’s case be **DISMISSED WITH PREJUDICE** for failure to prosecute, and that this case be **CLOSED**.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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Plaintiff,

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Defendants.

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report and Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).